HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21640 of 2006

Dated:06.11.2006

Between:

Bharat Scouts & Guides.

…Petitioner

and

The District Collector and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21640 of 2006

ORDER:

Bharat Scouts & Guides, Secunderabad, filed the present Writ Petition seeking a writ of mandamus directing the respondents not to take possession of the land allegedly belonging to the petitioner.

It is the case of the petitioner that in 1933, the Government sold Pension Pay Masters Office, Quarters, Workshop, Store Room and Orderly Room in Secunderabad, to the petitioner for a consideration of Rs.12,000/- under registered sale deed dated 10.10.1933. Subsequently, on 01.04.1936, the Military Estate Officer, Cantonment, executed lease deed for the appurtenant land admeasuring Acs.1.45 cents (about 7018 square yards). It appears, in 2000 the Government took possession of 2700 square yards, aggrieved by which, the petitioner filed W.P.No.15305 of 2005, which is still pending. The petitioner now alleges that it has learnt that the District Collector, Hyderabad, the first respondent herein, is proposing to take possession of 4500 square yards of land with an intention to raise multistoried building for commercial activity as well as Reliance Petrol Filling Station. Hence, the present Writ Petition.

At the stage of preliminary hearing itself, the Joint Collector and Estate Officer (Lease Lands), the third respondent herein, filed a

counter affidavit. Various allegations made by the petitioner are denied and it is further stated as follows. The land admeasuring 7018 square yards was leased out under lease deed No.385, dated 01.04.1936, in favour of the District Commissioner, Boys Scouts Association, Secunderabad, for a period of thirty years, and expiry of the lease it was renewed for another thirty years. Thereafter, the Government issued memo dated 02.04.1990 authorizing the Commissioner of Land Revenue to resume the land admeasuring 2700 square yards from out of 7018 square yards. In the meanwhile, the petitioner filed an application requesting for conversion of leasehold rights to freehold rights. The same was pending for consideration before the Government. The Mandal Revenue Officer took possession of land admeasuring 2700 square yards on 12.01.2000 under a cover of panchanama. The proposal for conversion of leasehold rights into freehold rights was submitted to the Chief Commissioner of Land Administration on 13.01.2000, and accordingly, the Government issued orders, as a result of which, a Registered Conveyance Deed dated 19.08.2000 was executed in favour of the petitioner on payment of Rs.8,16,277/- by way of a challan. The allegation that there is a proposal by the District Collector to resume possession of land admeasuring 4500 square yards is denied. It is further stated that the District Collector submitted proposal to the Government for utilizing 2700 square yards of land for construction of Government Office buildings. It is also stated that the representations made by the petitioner are disposed of by the third respondent by proceedings dated 01.09.2005.

As rightly pointed out by the learned Assistant Government Pleader for Revenue (General-T), the Writ Petition is filed on a mere apprehension even though there is no proposal by the District Collector to resume the land admeasuring 4500 square yards. As stated in the counter affidavit, which is not denied by the learned Counsel for the petitioner, the Government has already converted the leasehold rights into freehold rights. It is also not denied that the Government has resumed land admeasuring 2700 square yards out of 7018 square yards after expiry of the lease, and it is only after expiry of the lease that the petitioner submitted application for conversion into freehold, which was granted. The Writ Petition is wholly misconceived as nobody can raise any objection if the Government utilizes its own land for public purpose.

The Writ Petition is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

06.11.2006
vs